

Moreover, in order to determine whether pre-sale movement expenses are direct, the Department will examine the respondent's pre-sale warehousing expenses, since the pre-sale movement charges incurred in positioning the merchandise at the warehouse are, for analytical purposes, inextricably linked to pre-sale warehousing expenses. If the pre-sale warehousing constitutes an indirect expense, the expense involved in getting the merchandise to the warehouse also must be indirect; conversely, a direct pre-sale warehousing expense necessarily implies a direct pre-sale movement expense.

When USP is based on ESP, the Department uses the COS adjustment in the same manner as in purchase price situations. Additionally, under the ESP offset provision set forth in 19 CFR 353.56(b) (1) and (2), we will adjust for any pre-sale movement charges which are treated as indirect selling expenses. Accordingly, because the Department has preliminarily determined that pre-sale warehousing costs are an indirect expense, the Department is also treating pre-sale movement costs as an indirect expense. Therefore, no COS adjustment has been made for these costs. For ESP sales, an adjustment for indirect costs has been made under the ESP offset provision.

For ESP comparisons, we also deducted indirect selling expenses from FMV in an amount not exceeding the indirect selling expenses and commissions incurred in the U.S. market. For purchase price comparisons, we added U.S. direct selling expenses including U.S. advertising, credit, warranties and royalties to FMV. Indirect selling expenses were deducted from FMV in an amount not exceeding the amount of commissions paid on U.S. purchase price sales in accordance with 19 CFR 353.56(b)(1).

We calculated constructed value for Samsung by adding material and fabrication costs, selling, general and administrative expenses (SG&A), profit, and U.S. packing in accordance with section 773(e) of the Tariff Act. Since, in both reviews, actual SG&A expenses were greater than the statutory minimum of 10 percent of the sum of materials and fabrication costs, we used Samsung's actual SG&A expenses. We used the statutory minimum of eight percent for profit in the sixth review in accordance with section 773(e) of the Tariff Act. In the seventh review, we used Samsung's actual profit experience since it was greater than eight percent of the cost of production.

No other adjustments were claimed or allowed.

Preliminary Results of the Reviews

As a result of our review, we preliminarily determine that the weighted-average dumping margins for the periods are:

| Manufacturer/ex- porter | Margin percentage | |
|----------------------------|----------------------|----------------------|
| | 04/01/88– 3/31/89 | 04/01/89– 3/31/90 |
| Cosmos | 2.24 | 2.24 |
| Quantronics | Terminated | Terminated |
| Samsung | 0.02 | 0.09 |
| Samwon | 16.57 | 16.57 |
| Tongkook | 16.57 | 16.57 |

Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed no later than 37 days after the date of publication of this notice.

Within 10 days of the date of publication of this notice, interested parties to this proceeding may request a disclosure and/or a hearing. The hearing, if requested, will take place no later than 44 days after publication of this notice. Persons interested in attending the hearing should contact the Department for the date and time of the hearing.

The Department will subsequently publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for all companies will continue to be the company-specific rate published in the final determination covering the most recent period; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or the original LTFV investigation, the cash deposit rate will continue to be the company-specific rate published in the

final determination covering the most recent period; (3) if the exporter is not a firm covered in this review, previous reviews, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will be 13.90 percent, the "all other" rate established in the original LTFV investigation by the Department (49 FR 7620, March 1, 1984), in accordance with the decisions of the Court of International Trade in *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT 1993), and *Federal-Mogul Corporation v. United States*, 822 F. Supp. 782 (CIT 1993).

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act, as amended (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 8, 1995.

Susan G. Esserman,
Assistant Secretary for Import
Administration.

[FR Doc. 95-3960 Filed 2-15-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-570-834]

Amendment to Preliminary Determination of Sales at Less Than Fair Value: Disposable Lighters From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: February 16, 1995.

FOR FURTHER INFORMATION CONTACT: Julie Anne Osgood or Todd Hansen, Office of Countervailing Investigations, U.S. Department of Commerce, Room B099, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0167 and 482-1276, respectively.

Scope of Investigation

The products covered by this investigation are disposable pocket lighters, whether or not refillable, whose fuel is butane, isobutane, propane, or other liquefied hydrocarbon, or a

mixture containing any of these, whose vapor pressure at 75 degrees Fahrenheit (24 degrees Celsius) exceeds a gauge pressure of 15 pounds per square inch. Non-refillable pocket lighters are imported under subheading 9613.10.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Refillable, disposable pocket lighters would be imported under subheading 9613.20.0000. Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive.

Case History

On December 5, 1994 (59 FR 64191, December 13, 1994), the Department of Commerce ("the Department") made its affirmative preliminary determination of sales at less than fair value in the above-referenced investigation. On December 8, 1994, we disclosed our calculations for the preliminary determination to counsel for PolyCity Industrial Ltd. ("PolyCity"), a respondent in this investigation.

On December 13, 1994, counsel for PolyCity alleged that ministerial errors had occurred in the calculations and requested that these errors be corrected and an amended preliminary determination be issued reflecting these corrections. On December 16, 1994, petitioners submitted comments regarding PolyCity's ministerial error allegations. On January 10, 1995, counsel for PolyCity again requested that the Department amend the preliminary determination to correct for ministerial errors.

PolyCity alleged that for a particular U.S. sale, the Department made its first ministerial error when it used an incorrect value for ocean freight in the calculation of U.S. price. Rather than use the figure reported in its supplemental response, PolyCity argues that the Department erred when it used the figure provided on the computer diskette accompanying the response. According to PolyCity, the narrative portion of the response rather than the spreadsheet provided on diskette contained the correct value for ocean freight. We disagree that this constitutes a ministerial error. Rather, we believe that this issue should be addressed at verification where the correct value for ocean freight can be established.

The second ministerial error alleged by counsel for PolyCity involved the calculation of transportation costs for the various components used in the production of disposable lighters. According to PolyCity, the Department used the inland freight figures reported in PolyCity's supplemental response

incorrectly. Rather than using the reported inland freight as transportation costs per unit of measure (i.e., cost per kilogram), the Department erred in treating the inland freight costs as transportation costs per component. PolyCity maintains that in order to obtain the transportation cost per lighter associated with each item, the Department should have multiplied the reported freight price for that item by the quantity of the item used in producing a lighter. Based on these comments and the Department's own analysis, we found that a significant ministerial error had been made.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994. References to the Proposed Regulations, are provided solely for further explanation of the Department's AD practice with respect to amended preliminary determinations. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the Proposed Regulations were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. See 60 FR 80 (January 3, 1995).

Amendment of Preliminary Determination

It is not our normal practice to amend preliminary determinations since these determinations only establish estimated margins, which are subject to verification, and which may change in the final determination. However, the Department has stated that it will amend a preliminary determination to correct for significant ministerial errors. (See Proposed Rules and Notice of Amended Preliminary Determination of Sales at Less than Fair Value: Fresh Cut Roses from Colombia, 59 FR 51554 (October 12, 1994) and Amendment to Preliminary Determination of Sales at Less than Fair Value: Sweaters Wholly or in Chief Weight of Man-Made Fiber from Hong Kong, 55 FR 19289 (May 9, 1990).) Given the facts of this investigation, as noted above, the Department hereby amends its preliminary determination to correct for the ministerial error involved. The revised estimated margin for PolyCity is 39.37%.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct the U.S. Customs Service to continue to require a cash deposit or posting of a bond for all entries of subject merchandise from the PRC for all respondents, as set forth in the original preliminary determination, and for PolyCity, at the newly calculated rate, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of the amended preliminary determination. If our final determination is affirmative, the ITC will determine whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry within 45 days after our final determination.

This notice is published pursuant to section 733(f) of the Act and 19 CFR 353.13(a)(4).

Dated: February 9, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-3961 Filed 2-15-95; 8:45 am]

BILLING CODE 3510-DS-P

[A-122-503]

Certain Iron Construction Castings From Canada; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/ International Trade Administration Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On August 10, 1994, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of an administrative review of the antidumping duty order on iron construction castings from Canada. The review covered four manufacturers and/or exporters of the subject merchandise to the United States during the period March 1, 1991 through February 29, 1992. Based on our analysis of the comments received, the dumping margins for these four companies have not changed from the margins presented in the preliminary results. For the final results we continue to find that 14